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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT

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2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,849	<b>Applicant(s)</b> YAMADA ET AL.	
	<b>Examiner</b> Nathan Danielsen	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,6,8,10,12-15,17,18,20,21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,16,19,22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-29 are pending. Claims 2, 4, 6, 8, 10, 12-15, 17, 18, 20, 21, and 23 are withdrawn pursuant to applicant's election filed 20 November 2006.

### ***Claim Objections***

2. The claims are objected to because of the following informalities:
- a. Claim 1 is objected to because "operatin" should be changed to --operation-- and "selects change" should be changed to --selects a change--;
  - b. Claim 7 is objected to because "process the data" should be changed to --process the data--;
  - c. Claim 9 is objected under 37 CFR 1.75(a) because the limitation "the cue-point" lacks antecedent basis in the claims;
  - d. Claim 24 is objected to because "selecting change mode" should be changed to --selecting a change mode--;
  - e. Claim 26 is objected to because "a recording medium the information" should be changed to --a recording medium that stores the information-- (note that the added subject matter was struck through *and* underlined); and
  - f. Claim 28 is objected to because "conducts reproduction processeing" should be changed to --conducts reproduction processing--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 9, 11, 16, 19, 22, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (US Patent Application Publication 2001/0017821; hereinafter Inoue).

Regarding claim 1, Inoue discloses an information processing unit comprising:

a reading section for reading information recorded in a recording medium (element 10 in figure 1);

an information processing section that conducts a reproduction-processing of the information

read by the reading section (element 14 in figure 1);

a reproducing-condition changing section (element 46 in figures 1 and 4 and ¶s 28 and 33) that

changes a reproducing speed of the information processing section in accordance with a

rotating operation (elements 14 and 83 in figures 1 and 4 in combination with ¶ 34 and

figures 7-9) and stopping the reproduction-processing of the information processing

section in accordance with a pressing operation and a touching operation (elements 84-

86 (including their well-known operation) in figure 4 and ¶s 28 and 33; where to actuate a

key/button, a pressing operation (including an inherent touching operation) must be

performed);

a change condition selecting section that selects a change in a processing position of the

reproduction-processing (inherent in ¶s 28 and 33 for the purpose of providing

functionality to elements 46 and 84-86); and

a processing control section that, when the pressing operation or the touching operation is

recognized by the reproducing-condition changing section, changes start position of the

reproduction-processing of the information processing section according to the change in

the processing position selected by the change condition selecting section (inherent in

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elements 84 and 85; where it is well known that pressing a skip key will move the processing position to the beginning of an audio track on a compact disc).

Regarding claim 3, Inoue discloses everything claimed, as applied to claim 1. Additionally, Inoue discloses where the information processing unit further comprises:

a positional instruction recognizing section for recognizing a predetermined position of the information as a cue-point (inherent in element 14, in combination with elements 84 and 85; where it is well known that pressing a skip key will move the processing position to the beginning of an audio track on a compact disc and where the cue-point is the position of the beginning of the audio track),

wherein the processing control section changes the start position of the reproduction-processing of the information processing section to the cue-point (inherent in element 14, in combination with elements 84 and 85; where it is well known that pressing a skip key will move the processing position to the beginning of an audio track on a compact disc).

Regarding claim 9, Inoue discloses everything claimed, as applied to claim 1. Additionally, Inoue discloses where the processing control section makes the information processing section change the start position of the reproduction-processing to the cue-point when the reproducing-condition changing section detects the pressing operation or the touching operation (inherent in element 14, in combination with elements 84 and 85; where it is well known that pressing a skip key will move the processing position to the beginning of an audio track on a compact disc).

Regarding claim 11, Inoue discloses everything claimed, as applied to claim 9. Additionally, Inoue discloses where the reproducing-condition changing section is divided into a plurality blocks (figure 4), and the processing control section, when the reproducing-condition changing section detects the pressing operation or the touching operation on a specific block, changes the start position of the reproduction-processing of the information processing section based on the cue-point corresponding to the specific block (inherent in element 14, in combination with elements 84 and 85; where it is well known that pressing a skip key will move the processing position to the beginning of an audio track on a compact disc).

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Regarding claim 16, Inoue discloses everything claimed, as applied to claim 1. Additionally, Inoue discloses where the processing control section moves the start position of the reproduction-processing of the information processing unit forward or backward according to the rotating direction of the rotating operation detected by the reproducing-condition changing section (¶s 45 and 46).

Regarding claim 19, Inoue discloses everything claimed, as applied to claim 1. Additionally Inoue discloses a read control section that controls operations of the reading section (¶ 43), wherein the read control section, when the start position of the reproduction-processing of the information processing section is changed by the processing control section, makes the reading section read information near the changed processing position (¶s 43 and 46, lines 14-18).

Regarding claims 22 and 24, Inoue discloses an information processing unit (and associated method) comprising:

- a reading section for reading information recorded in a recording medium (element 10 in figure 1);

- an information processing section that conducts a reproduction-processing of the information read by the reading section (element 14 in figure 1);

- a reproducing-condition changing section for changing a reproducing speed of the information processing section in accordance with a rotating operation (element 83 in figure 4 and ¶s 43-46) and stopping the reproduction-processing of the information processing section in accordance with a pressing operation and a touching operation (element 86 in figure 4 and ¶ 33); and

- a processing control section that, when the pressing operation or the touching operation is conducted by the reproducing-condition changing section, makes the information processing section change a processing position of the reproduction-processing ((elements 84-86 (including their well-known operation) in figure 4 and ¶s 28 and 33; where to actuate a key/button, a pressing operation (including an inherent touching operation) must be performed and where reproduction from the current location must be stopped prior to reproduction from a new location).

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Regarding claims 25 and 26, Inoue discloses everything claimed, as applied to claim 24. Additionally, Inoue discloses an information processing program stored in a computer-readable recording medium, the program making a computer execute the information processing method according to claim 24 (inherent in element 14 in figure 1), wherein the information processing program according to claim 25 is recorded so that the program can be read out by the computer (inherent in element 14 in figure 1).

Regarding claim 27, Inoue discloses a reproducing unit comprising:  
the information processing unit according to claim 1 (see claim 1); and  
a reproducing section that fetches the reproduction-processed information and reproduces the information reproduction-processed by the information processing unit as sound or image (element 22 in figure 1 and ¶ 26).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue, in view of applicant's admitted prior art (hereinafter the AAPA).

Regarding claim 5, Inoue discloses everything claimed, as applied to claim 3. Additionally, Inoue discloses where the information recorded in the recording medium includes data and positional information concerning a position of the data (¶ 23) and where the information processing unit records information preceding and following and reproducing position (¶s 43-46). However, Inoue fails to disclose the details of the cue-point and the functionality of the device as it relates to the cue-point.

In the same field of endeavor, the AAPA discloses where the information processing unit comprises a position recording section that, when an instruction for the cue-point is recognized by the

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positional instruction recognizing section, records the cue-point (page 1, line 20 through page 2, line 15), and the processing control section changes the start position of the reproduction-processing of the information processing section to the cue-point according to the positional information recorded in the position recording section (page 1, line 20 through page 2, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the functionality of Inoue with that of the AAPA, for the purpose of jumping to a position from which replay should be started (page 2, lines 1-3).

Regarding claim 7, Inoue, in view of the AAPA, discloses everything claimed, as applied to claim 5. Additionally, Inoue discloses where the processing control section makes, when the start position of the reproduction-processing of the information processing section is changed to the cue-point, the information processing section process the data provided in the information recorded in the position recording section (when elements 85 and 86 of Inoue are pressed, the reproduction of information from the new position, as explained above; additionally, the AAPA discloses the reproduction of information from the cued position (col. 2, lines 1-3)).

#### ***Allowable Subject Matter***

7. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either alone or in combination, fails to teach or fairly suggest the details of each claim, specifically the details of the reproducing-condition changing section.

#### ***Response to Arguments***

9. Applicant's arguments filed 01 February 2008 have been fully considered but they are not persuasive.



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10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single element (jog dial) responsive to rotating, touching, and pressing operations for providing different functions to the device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). More specifically, applicant, in claims 1, 22, and 24, has not limited the claim to a single element that provides different functionality on the basis of the different operations that can be performed, as illustrated in the reasons for the indication of allowable subjected matter on the previous page.

#### ***Closing Remarks/Comments***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit  
2627

Nathan Danielsen  
05/02/2008